



Signed and Filed: September 30, 2022

DENNIS MONTALI
U.S. Bankruptcy Judge

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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re BENJA INCORPORATED,
Debtor.

Case No. 20-30819-DM
Chapter 7

**ORDER APPROVING STIPULATION
RE TOLLING AGREEMENT
(NICK FOPPE)**

Upon due consideration, based upon the *Stipulation for Entry of Order re Tolling Agreement* (the “Stipulation,” ECF 130) by and between Kyle Everett (the “Trustee”) and Nick Foppe (the “Potential Litigant,” and together with the Trustee, the “Parties”), it appearing that notice was adequate under the circumstances, and good cause appearing therefor, the Court hereby orders as follows:

1. The Stipulation is approved.

2. In any action or proceeding brought by the Trustee on behalf of the estate against the Potential Litigant, the period from the filing of the Stipulation through and including April 17, 2023, shall not be included in determining the applicability of any statute of limitations, laches, or any other defense based on the lapse of time.

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3. To the extent that any applicable statute of limitations expires on or about October 17, 2022, it is extended through and including April 17, 2023, without prejudice to further extensions by stipulation, order of the Court, or otherwise.

4. This Stipulation shall extend the statutes of limitation available to both Parties during the term of this Stipulation, including statutes of limitation that apply to any defense available to the Parties.

* * * END OF ORDER * * *

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2 **COURT SERVICE LIST**

3 *[ECF recipients only]*

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